

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, the Applicants would like to thank the Examiner for the indication that claims 19 and 26 are allowed and claims 5-7 and 9-11 contain allowable subject matter and would be allowed if rewritten in independent form including all of the limitations of their base claim and any intervening claims.

In the Official Action, the Examiner rejects claims 1-4, 8, 12-18, 20, and 21-25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2003/0072570 A1 to Seo (hereinafter "Seo"). Furthermore, the Examiner rejects claims 1, 3, 13, 17, 18, 20, 24, and 25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,561,526 to Huber et al., (hereinafter "Huber"). Lastly, the Examiner rejects claims 1, 3, 4, 15, 16, 22, and 23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2002/0118970 A1 to Miyoshi (hereinafter "Miyoshi") in view of Huber.

In response, independent claim 1 has been amended to include features from allowable claim 5. Accordingly, claim 5 has been canceled and claims 6 and 7 have been amended to change their dependencies from canceled claim 5 to base claim 1. Therefore, it is respectfully submitted that claim 1 patentably distinguishes over the prior art and is allowable. Claims 2-4 and 8-11 are at least allowable as depending from an allowable base claim. Similarly, independent claims 12, 13, 14, 20, and 21, have been amended to include features from allowable claim 5. Therefore, it is respectfully submitted that claims 12, 13, 14, 20, and 21 patentably distinguish over the prior art and are allowable.

The amendment to claims 1, 6, 7, 12, 13, 14, 20, and 21 are fully supported in the original disclosure, particularly at original claim 5. Therefore, no new matter has been entered into the disclosure by way of the amendment to claims 1, 6, 7, 12, 13, 14, 20, and 21.

Furthermore, independent claims 15, 16, 17, 18, 22, 23, 24, and 25 have been amended to include features from allowable claim 9. Therefore, it is respectfully submitted that claims 15, 16, 17, 18, 22, 23, 24, and 25 patentably distinguish over the prior art and are allowable.

The amendment to claims 15, 16, 17, 18, 22, 23, 24, and 25 are fully supported in the original disclosure, particularly at original claim 9. Therefore, no new matter has been entered into the disclosure by way of the amendment to claims 15, 16, 17, 18, 22, 23, 24, and 25.

With regard to the rejections of claims 1-4, 8, 12-18, 20, and 21-25, under 35 U.S.C. §§ 102(e) and 102(b), the apparatus and methods having the features discussed above and as recited in independent claims 1, 12-18 and 20-25, are nowhere disclosed in either Seo or Huber. Since it has been decided that “anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,”¹ independent claims 1, 12-18 and 20-25 are not anticipated by either Seo or Huber. Accordingly, independent claims 1, 12-18 and 20-25 patentably distinguish over both Seo and Huber and are allowable. Claims 2-4, and 8 being dependent upon claim 1, are thus allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejections of claims 1-4, 8, 12-18, 20, and 21-25 under 35 U.S.C. §§ 102(e) and 102(b).

With regard to the rejection of claims 1, 3, 4, 15, 16, 22, and 23, under 35 U.S.C. § 103(a), independent claims 1, 15, 16, 22, and 23, are not rendered obvious by the cited

¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

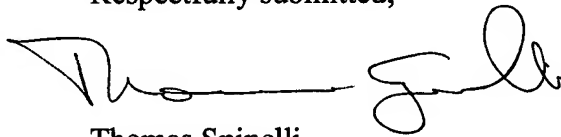
references because neither the Miyoshi patent nor the Huber patent, whether taken alone or in combination, teach or suggest apparatus and methods having the features discussed above.

Accordingly, claims 1, 15, 16, 22, and 23 patentably distinguish over the prior art and are allowable. Claims 3 and 4, being dependent upon claim 1 are thus allowable therewith.

Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1, 3, 4, 15, 16, 22, and 23 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas Spinelli', with a stylized, cursive flourish at the end.

Thomas Spinelli
Registration No. 39,533

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530

TS/ae